

UNITED FORUM OF MTNL UNIONS & ASSOCIATIONS

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ASSOCIATES

- # MTNL Staff Union (M: 9868133959)
- # Telecom Executives' Association of MTNL(9868136363)
- # MTNL SC/ST Employees Welfare Association (M:9868130032)
- # MTNL Workers Union (NFTE) (M: 9013131930)
- # Dr. Ambedkar MTNL SC/ST/OBC Telecom Emp. Welfare Association
- # MTNL Karamchari Union (M:9013135620)
- # MTNL Employees Welfare Union (M:9868115485)
- # MTNL Karamchari Ekta Union (M:9013185353)
- # Retired Telecom Officers' Welfare Association (M:9968721515)
- # MTNL(DOT) Ex-Employees Welfare Association (M:9968075051)
- # Pensioners' Forum of MTNL (M: 9868256707)
- # BMTNL Karamchari Sangh (M:)

Ref.No. UFOM/2014-2017

Date : June 21, 2017

To
Shri Narendra Modi ji
Hon'ble Prime Minister
Government of India Pension
Central Secretariat, South Block, New Delhi -11001

Subject :- Non-implementation of the recommendations of the 7th.CPC to the erstwhile D DOT Employees who were absorbed in MTNL/BSNL and since retired and are drawing Pension under CCS(Pension) Rules,1972 as amended from time to time.

Hon'ble Sir,

BACKGROUND

In pursuance of Government's decision on the recommendation of the 7th.C.P.C., DOP&PW vide its OM No.38/37/2016-P&PW(A)(ii) dated 04/08/2016 issued instructions for revision of pension of pre-2016 pensioners/family pensioners w.e.f 01/01/2016. As per para 2.1 of the said OM, " These orders shall apply to all pensioners/family pensioners who were

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drawing pension/family pension before 01/01/2016 under the the Central Civil Service (Pension) Rules, 1972." Further as per para 7(a) of the said Om, "Where the Government servants on permanent absorption in public sector undertakings/ autonomous bodies continue to draw pension separately from the Government, the pension of such absorbees will updated in terms of these orders." These orders have further indicated that even the restored one-third commuted portion of pension of those fortunate absorbees who could enjoy the benefits as one time lump sum terminal benefits equal to 100% of their pension at the time of absorption shall also be regulated albeit a separate orders will be issued.

2. The plain reading of the said OM leads to an understanding that the erstwhile CG employees of DOT who were permanent absorbed in MTNL/BSNL and who were drawing pension/family pension before 01/01/2016 under the Central Civil Services (Pension) Rules, 1972 as amended from time to time shall also be covered under the provisions of this OM for the revision of their pension and family pension, particularly because their all other pensionary benefits used to be regulated in the same way and under the same rules as that of the CG pensioners.

3. But to the dismay of MTNL/BSNL pensioners and family pensioners, it is subsequently clarified by the D.O.T. (in a reply vide No. 47-35/2014-Pen (T) dated 22/12/2016 to a question raised under Right to Information Act, 2005) that these orders shall not be applicable for the revision of pension/family pension of the permanent absorbees of MTNL/BSNL except those who were drawing pro-rata pension.

4. While revision of pension/family pension of MTNL/BSNL (except pro-rata pensioners) is denied under the recommendations of 7th.CPC as accepted by the Government and as clarified subsequently by DOT, the 3rd.PRC has already denied to consider the issue of revision of pension/ family pension of MTNL/BSNL despite representations from the various pensioners' organizations to the said Committee. It is also apparent that the representations of various pensioners' organizations, unions and associations of the employees to the Cabinet Secretary during the session of the Empowered Committee and thereafter on this issue have not been taken into cognizance and thereby there is a stark silence about this issue from all corridors.

5. The obvious question is, therefore, how and when will there be revision of pension of the pensioners of MTNL/BSNL who are actually DOT employees subsequently absorbed in MTNL/BSNL ?

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PERTINENT FACTS RELATED TO THE PENSION OF MTNL/BSNL

- (1). MTNL/BSNL pensioners who were Government servants for the most part of their service are covered under CCS (Pension) Rules, 1972. The liabilities of paying pension/ family pension and all other related dues fully lies with the Government under statutory provisions, and the same is debited to Civil Service Estimates.
- (2) PRC has opined that the pension matters of MTNL/BSNL are not subjected to their consideration as "Retirees of MTNL/BSNL are different from other CPSE retirees." Theirs is a contributory pension scheme unlike MTNL/BSNL, Their payment of gratuity is covered under Gratuity Act, 1972. Therefore, the prospect of revision of pension of MTNL/BSNL retirees should not be impacted by PRC recommendations that affect pension revision directly/indirectly. Rather the issue of the pension revision of the retirees of MTNL/BSNL shall be guided by the formulations recommended by the 7th.CPC as accepted by the Government of India.
- (3) Except revision of pension all other pensionary benefits of MTNL/BSNL pensioners and family pensioners including eligibility of pension at various stages, mode of pension calculations, enhancement of gratuity and lower / upper limit of pension/family pension etc. etc are as per recommendations of the Central Pay Commission. Nothing is hindered by the phenomenon like our retiring on ID Pay. Only exception is our pension revision. Why ?

CRUX OF THE PROBLEM IN DECIDING THE ISSUE OF REVISION OF PENSION OF MTNL/BSNL RETIREES

The crux of the problem is :

- (1). As often said, the issue of pension revision is linked with pay revision. But guidelines for pay revision of CG employees and the employees of MTNL/BSNL are not same. The recommendations of CPC as accepted by the Government of India are mandatory to ensure uniform applicability of the pay revision of all CG employees across the board. But the issue of pay/wage revision of MTNL/BSNL employees are subjected to the recommendations of PRC as accepted by the Government of India. The formulations/guidelines thus prescribed do not ensure mandatory and uniform revision of pay/wages of all employees of all PSUs. It varies from PSU to PSU depending on some other factors including "affordability", profit and loss account etc etc.
- (2) Thus the pension revision is secured, certain and clearly defined for the CG pensioners as their pay revision is secured, mandatory and uniformly defined across the departments. Whereas the revision of pension in MTNL/BSNL is uncertain and unsecured as the pay/wage of the IDA pay scale are not certain and uniform, even though the governing rules applicable for pension and other pensionary rules for the CG pensioners and the pensioners of

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MTNL/BSNL are the same. In fact, this is the reason why the PRC did not want to consider the issue of pension matters of MTNL/BSNL.

(3) The pension is related to the social security aspects for the CG pensioners. So it is for the pensioners of MTNL/BSNL as they were basically CG employees absorbed in MTNL/BSNL due to Government's decision of restructuring the Department of Telecom. More over the lump sum benefit of 100% commutation of pension was denied to them at the time of absorption. In fact, that is why the entire pension liabilities are borne by Government of India after due considerations.

(4) For the services rendered after absorption, BSNL and MTNL are paying pension contributions to the Government in the maximum pay scale.

(5) Pension revision is presently linked to pay revision. Pay revision in MTNL and BSNL is being linked to "affordability". But as regards the liabilities of pension/family pension and pensionary benefits in MTNL/BSNL, Government needs to afford, not MTNL/BSNL. Therefore, the pension revision in MTNL/BSNL should not be linked to pay/wage revision in MTNL/BSNL.

(6) As already said, pay/wage revision in PSU is dependent on profit and loss scenario of concerned PSU. No exception has been made for MTNL/BSNL in this respect. Without entering into the debate about justification of applying such criteria for the converted PSUs like MTNL/BSNL which has to unalterably bear the burden of long legacy of Government set up – good or bad, one can easily understand that the pensioners of MTNL/BSNL can not be held captive under this provision so far as their pension revision is concerned. The pensioners have no means to contribute to the productivity of MTNL/BSNL nor can they deserve any credit or discredit for the same. Why is their pension revision shall be made subjected to such factor directly or indirectly ?

WAYOUT & OUR SEGGESTIONS

(1) The only way to come out of this fallacious situation is **TO DE-LINK THE PENSION REVISION OF THE SAID PENSIONERS OF MTNL/BSNL FROM PAY/WAGE REVISION**. We suggest so out of our considered opinion.

(2) The formula of pension revision recommended by the 7th.CPC as accepted by the Government of India and implemented for the CG pensioners shall be applied for the revision of of pension of MTNL/BSNL also by way of applying the same multiplying factor of 2.57 as recommended by the 7th.CPC from 01/01/2017 for all pensioners who retired before

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this date. The revision of pension will be carried out independent of the fact and phenomenon like :

- (a) They retire on ID pay and
- (b) Whether pay/wage revision has been done or not and if done, to what extent it is done.

However, before revision of pension thus carried out for the similarly placed pensioners in MTNL, it must be ensured that the basic pension as on 01/01/2007 should be fixed after merger of 50% DA effectively amounting to 78.2% which is still pending.

APPEAL

Hon'ble Sir,

We represent the working employees, pensioner/family pensioners of MTNL/BSNL. We are now in deep den of insecurity and uncertainty about the prospect of pension revision in MTNL/BSNL. The CG pensioners whose pension is regulated under the same rule as ours, have already received revised pension w.e.f 01/01/2016. The pensioners of MTNL/BSNL also aspire to get revised pension w.e.f. 01/01/2017. But for your kind and decisive intervention, this may not be possible. The pension revision is already delayed. Therefore, it is our ardent appeal to your goodself to direct the concerned Ministry/ Department to examine our appeal and do the needful to ensure justice to this section of senior citizens by way of laying standing provisions for pension revision in MTNL/BSNL for the erstwhile CG employees.

For this, we shall remain ever grateful to your goodself.

Thanking you

Yours faithfully,


(M. K. BAGCHI)
Convener / U.F.


(MANGE RAM SHARMA)
President / U.F.

Copy to :-

1. Shri Arun Jetley, Hon'ble Finance Minister, North Block, New Delhi
2. Shri Manoj Sinha, Hon'ble Minister of State (C), Independent Charge
3. Dr. Jitendra Singh, Hon'ble Minister of State (Personnel, PG & Pensions)
4. Smt. Aruna Sundarajan, Chairman T.C. and Secretary (T), D.O.T.
5. Smt. Anuradha Mitra, Member (Finance), D.O.T.
6. Smt. Seema Gupta, Director (PW), Dept. of Pension & PW, Lok Nayak Bhawan, New Delhi